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DOCKET NO: C1039.70021US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No: Not yet assigned  
Confirmation No: Not yet assigned  
Filed: Herewith  
For: METHODS OF TREATING CANCER USING  
IMMUNOSTIMULATORY OLIGONUCLEOTIDES

Examiner:  
Art Unit: Not yet assigned

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Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed  
before the mailing date of a first Office Action on the merits in the above-identified case.  
No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

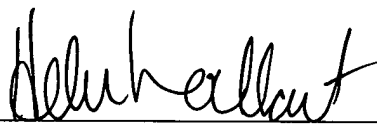
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Krieg et al., *Applicant*

By:   
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| <b>FORM PTO-1449/A and B (Modified)</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |    | APPLICATION NO.: Not yet assigned |  | ATTY. DOCKET NO.: C1039.70021US01  |  |
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|   |   |    |    | GROUP ART UNIT: Not yet assigned  |  | EXAMINER:                          |  |
| Sheet   | 1 | of | 10 |                                   |  |                                    |  |

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| Sheet   | 2 | of | 10 |                                   |  |                                    |  |

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| Sheet   | 4 | of | 10 |                                   |  |                                    |  |

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